## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION IN ADMIRALTY

CASE NO.: 5:14-CV-121-F

	)
FRATELLI D'AMATO SpA,	)
	)
Plaintiff,	)
<b>v.</b>	)
	ORDER FOR ISSUANCE OF PROCESS
PACTRANS AIR & SEA USA a/k/a	OF MARITIME ATTACHMENT
PACTRANS AIR & SEA, INC.,	AND GARNISHMENT
	)
Defendant	)
and	)
	)
NORCA ENGINEERED PRODUCTS,	)
LLC, NORCA EP, INC., AND	)
NORCA ENGINEERED PRODUCTS,	)
INC.,	
Garnishees	)

WHEREAS a Verified Complaint in Admiralty was been filed in the United States District

Court for the Eastern District of North Carolina on the 4th day of March, 2014 by Fratelli D'Amato SpA,

Plaintiff, against Pactrans Air & Sea USA, a/k/a Pactrans Air & Sea Inc., Defendant, in a certain

action for breach of a maritime contract wherein it is alleged that there is due and owing from

Defendant to Plaintiff the amount of \$3,737,625, plus interest and costs to be determined, and

praying for process of maritime attachment and garnishment to issue to attach the tangible and

intangible property of said Defendant within this District; and,

WHEREAS the Court has reviewed the Verified Complaint and the Affidavit submitted by the Plaintiff's attorney in support thereof pursuant to Rule B(1)(b) of the Supplemental Rules

for Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Supplemental Admiralty Rule B"), and has found that the conditions for issuance of Process of Maritime Attachment and Garnishment appear to exist,

IT IS HEREBY ORDERED that the Clerk shall issue Process of Attachment and Garnishment pursuant to Supplemental Admiralty Rule B against all goods, chattel, credits, letters of credit, debts, effects and monies, funds, credits, accounts, or any other tangible or intangible property belonging to, claimed by, being held for or on behalf of or otherwise for the benefit of Defendant Pactrans Air & Sea USA, a/k/a Pactrans Air & Sea Inc. within this District, including, inter alia, any such tangible or intangible property held by the named Garnishees NORCA ENGINEERED PRODUCTS, LLC, NORCA EP, INC., AND NORCA ENGINEERED PRODUCTS, INC., in an amount up to and including \$3,737,625, plus interest and costs to be determined; and it is further

**ORDERED** that said Process of Attachment and Garnishment will be equally applicable to any other Garnishees upon whom a copy of it may be served, to attach tangible or intangible property of the Defendant in an amount up to and including \$3,737,625, plus interest and costs to be determined pursuant to Supplemental Rule B; and it is further

**ORDERED** that any person claiming an interest in the property attached or garnished pursuant to this Order shall, upon application to the Court, be entitled to a prompt hearing at which Plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted; and it is further

**ORDERED** that supplemental process enforcing this Order may be issued by the Clerk upon application by the Plaintiff without further Order of the Court; and it is further

ORDERED that following initial service upon any Garnishee by the United States Marshal or any other person appointed by the Court to make service in this action, subsequent or supplemental service of Process of Maritime Attachment and Garnishment may thereafter be made on such Garnishee by the Plaintiff's counsel by facsimile transmission or other verifiable electronic means, including e-mail, to each Garnishee who consents to receive such supplemental service by such means; and it is further

**ORDERED** that a copy of this order be attached to and served with the said Process of Maritime Attachment and Garnishment; and it is further

**ORDERED** that Process of Attachment and Garnishment authorized hereunder may be personally served by an individual specially appointed by the Court pursuant to Supplemental Admiralty Rule B(1)(d)(ii)(C).

THIS THE \_\_\_\_\_ day of March 2014.

SO ORDERED.

James C. Fox

Senior United States District Judge